

A review of the rejections made by the examiner*Claim Objections*

1. Claim 2 is objected to because of the following informalities: on line 3 "not" should be inserted before "required". Appropriate correction is required for the above objection.

Claim 2 has been revised as Claim Objection 1 suggests.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "attached to it" in line 4, renders the claim indefinite because it is unclear what structure is encompassed by such language.

Regarding claim 4, the phrase "hitting it" in line 4, renders the claim indefinite because it is unclear what structure is encompassed by such language.

Regarding claim 10, the phrase "that device" in line 5, renders the claim indefinite because it is unclear what structure is encompassed by such language.

Claims 1, 4 and 10 have been revised as suggested by objection 3. These changes are shown below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The applicant appreciates the examiners patience as evidenced by the second, non-final, office action. The applicant has studied this office action, read the referenced patents, read other patents that have been approved recently, and studied applicable documents from the United States Patent Office website.

With this greater knowledge of the current standards for claims, the claims have been revised and will hopefully be found more acceptable with few if any further changes required.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deal (5,156,394).

Regarding claim 1, Deal shows a basketball-training device comprising an annular member (10) for being slidably received on a basketball rim (14) including an opening (16) for shooting basketballs into. Descending downwardly from the rim (14) and sloping inward is netting (18) acting as a chute, whereby balls can be returned to any area of the court, the rim (14) and netting (18) are part of the facsimile goal (hoop 12); the annular member (10) includes an interior surface (11) and an exterior surface (13). Deal shows the annular rim is manually rotatable with respect to the rim. Deal further shows the rim includes a plurality of hooks (see figures 6, 8, 9, 10 and 19). Deal does not disclose expressly the inclusion of roller bearings i.e. ball bearings to facilitate rotation. The Examiner takes official Notice that the use of ball bearings is old and well known and obvious to incorporate in order to facilitate rotation.

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The claims have been revised. They are shown in both edited and clean text form in the pages that follow. The issues pointed out by the examiner are discussed as well.

The text of the claims has been edited and which in general describes more thoroughly the shapes of the various elements of the device as well as the interaction between the various elements of the device.

A review of the references cited by the examiner

Deal 5,156,394

"The invention is a visual guide for improving the accuracy of shooting a basketball into a basketball hoop which consists of an annular member which extends below the rim of the basketball hoop."